

King-Hackney, Ashadee

From: Manville, Jennifer
Sent: Monday, December 07, 2015 12:18 PM
To: Manville, Jennifer
Subject: Fw: Federal Requirements for Open Air Storage of Industrial Materials

----- Forwarded by Jennifer Manville/R5/USEPA/US on 12/07/2015 01:18 PM -----

From: Jennifer Manville/R5/USEPA/US
To: Benjamin Giwojna/R5/USEPA/US@EPA, Brianc Bell/R5/USEPA/US@EPA,
Cc: Kestutis Ambutas/R5/USEPA/US@EPA
Date: 01/17/2012 12:31 PM
Subject: Federal Requirements for Open Air Storage of Industrial Materials

Ben and Brian,

Over the past month I have met with a number of tribes in Michigan to discuss the status of the activities in their Environmental Agreements. Both Little River Band and Keweenaw Bay Indian Community raised similar issues concerning the regulation of industrial materials that are stored outside. Listed below are more particulars on each case. My question to each of you is whether this storage activity may be regulated under the Clean Air Act (wind-blown particles) and/or Clean Water Act (storm-water runoff), and if so is the state of Michigan required to implement those regulations under its EPA-approved program?

TES Filer City Station (700 Mee Street in Filer City, Michigan) is a 60 MW electric power generator that is designed to use primarily coal with secondary fuels of wood waste, petroleum coke, and tire-derived fuel. Coal is brought to the plant via Lake Michigan and Manistee Lake, and then stored in open piles adjacent to Manistee Lake. There appears to be some sort of containment for the pile at the Station. However, coal is also stored at a nearby property and there appears to be no controls associated with this pile. While the facility is not located within its reservation boundaries, the Little River Band of Ottawa Indians is concerned about the potential impacts to Manistee Lake from stormwater run-off through the piles and wind-blown coal dust. Manistee Lake is an important cultural and subsistence resource and the Band's historical reservation bisects the southern portion of the Lake.

L'Anse Warden Electric Company LLC (157 South Main Street in L'Anse, Michigan) is operating a 20 MW biomass plant. The plant is designed to use forest products (wood chips, bark, and fines), paper mill wood residues, railroad ties, and tire chips. L'Anse Warden contracts with Norman Pestka Construction for 400 tons of biomass fuel each day. Pestka Construction has built a barge-loading facility on Lake Superior to allow it to import fuel such as railroad ties. The Keweenaw Bay Indian Community is concerned about the significant piles of railroad ties that are stored near Lake Superior for use at the plant. There may be potential for contamination from precipitation run-off through the piles of treated wood waste. While the facility is located just off the reservation, the intake for the Tribe's community drinking water system is located nearby in Lake Superior, and the area is also an important fish spawning area.

Thanks for your help with these issues.

Jenny

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